

Springerville Town Council
Minutes
June 16, 2004

Present: Kay Dyson, Mayor, Mary Nedrow Vice-Mayor, Mark Baca, Scott Cray and Pete Hunt

Staff: Kurt Hassler Town Manager, Val Cordova Town Clerk, Sterling Solomon Town Attorney, and Steve West Chief of Police

Public: Scott Garms and Lynn Levingston

1. Mayor Dyson called the meeting to order at 6:00 p.m.
2. Vice-Mayor Nedrow led the Pledge of Allegiance, Invocation by Councilman Baca
3. Public Participation - None
4. Manager, Council, and Chamber Reports:

Vice-Mayor Nedrow reported on the planning and zoning meeting held last week. A special use permit was issued to Steve Martin for an outdoor patio. There were two other conditional use permits requested. The American Legion was approved for a 44" concrete block wall in front of the American Legion building and the other permit for sheep pens behind M & W Feed and Supply on South Mountain Avenue was denied. The commission also heard a rezone request for three parcels. One behind Woodland Building Center, one behind the Chiricahua Plaza and the other for the white house on that sits on Highway 60 Main Street. A quorum was present for the meeting but Commissioner Kay Matthews had to declare a conflict of interest as her property abuts one of the properties in this proposed rezone. This had to be postponed until the next meeting and the rezone hearing has to be republished. The next meeting will be the third Thursday in July to meet the publication time frame.

Vice-Mayor Nedrow stated that there seems to be a problem in getting a quorum together and suggested that this be addressed by the council at a future meeting.

Mayor Dyson thanked the public works department, the Lions the Sorority and the Rotary clubs for doing the planting on Main Street and the senior park.

She and Mr. Hassler met with T.E.P., Tri-State and the Bechtel leaders last week for an update. They were advised that they are going to start a Habitat for Humanity here and do some building improvements. They are going to be opening up the unions to do some apprenticeship programs where people can sign up and learn while they earn. They will also try to work with the NAVIT program. They are expecting 400 people by October to do the conversion of Unit I and in the spring they will do the conversion of Unit II. They anticipate a thousand people in the communities by this time next year. There are twenty-five maintenance positions and shift supervisor positions opening in July.

She also met with the Chamber Board. The Chrome in the Dome is this weekend. The event will begin with a burger burn sponsored by Cellular One on Friday night. The senior softball event is taking place this week end as well.

There will be a Chamber Mixer at the American Legion on Thursday from 5:30 until 7:00 pm., and the Health Care District will meet tomorrow night at 6:00pm to discuss their budget.

Mayor Dyson reported that the Forest Service took them on a tour of the fire area. She said that the burned area of the fire looked more like a controlled burn. There are still a lot of fire personnel out there from all over the state.

She will be in Flagstaff next week meeting with NACOG, and attending the League of Cities and Towns workshop. She will also be meeting with Congressman Renzi's appropriations staff as well.

Councilman Cray reported that he met with Ray Davis of Blues Hills on Tuesday at 7:00 am. Mr. Davis said he is working on incentives for employees.

Mr. Hassler reported on the upcoming meetings. The audit is scheduled for August 9th. The planning and zoning meeting is scheduled for July 15th at 7:00 p.m. at the senior center. Due to the public hearing notification the meeting date had to be changes. The airport committee will meet on June 22nd at 8:00am at Rode Inn. The budget session will be this Friday the 18th starting at 6:30 pm. He encouraged the council to come in and meet with him if they had any questions prior to the budget meeting.

Mr. Solomon explained a letter from Grady Gammage regarding the restrictions of the old school. He said that Mr. Gammage executed the affidavit from Steve West saying that this property has been used by the town for over twenty-one years and none of the heirs has said anything. Based on the defense of "latches" meaning that if you sit on you hands too long and you have legal recourse and you don't take it you lose it. The heirs of Mr. Hogue who donated the land didn't do anything for twenty-one years. Mr. Solomon said he would be taking this to John Graham with First American Title Company and would make it clear that they insured this building once already and advise him that there is a deed restriction that they did not catch in the title search the first time and ask them to add this to the policy. He recommended that they go forward with the rehabilitation of the building based on this letter.

5. Minutes: Consider approval of the minutes from the special town council meeting held on May 26, 2004.

Motion by Scott Cray/Mary Nedrow to approve the minutes from the special town council meeting held on May 26, 2004.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

6. Minutes: Consider approval of the minutes from the special town council meeting held on May 28, 2004.

Motion by Scott Cray/Pete Hunt to approve the minutes from the special town council meeting held on May 28, 2004.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

7. Minutes: Consider approval of the minutes from the town council meeting held on June 2, 2004.

Motion by Mary Nedrow/Mark Baca to approve the minutes from the town council meeting held on June 2, 2004.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

8. Minutes: Consider approval of the minutes from the town council work session held on June 9, 2004.

Motion by Mary Nedrow/Mark Baca to approve the minutes from the town council work session held on June 9, 2004.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

9. Airport committee Member: Consider replacing one of the members on the Springerville Municipal Airport Advisory Committee.

Motion by Pete Hunt/Mark Baca to remove Bob Brown from the Springerville Municipal Airport Advisory Committee and appoint Albert Lassen to serve the remainder of his term until December 31, 2004.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

10. Zoning Administrator: Consider entering into executive session for discuss on how to fill this position on a permanent basis and give staff direction on how to proceed.

This item was moved to the end of the agenda.

11. Tumbling T. Drive: Review information prepared by town staff regarding the closure of Tumbling T Drive and give direction to staff on how to proceed.

Mr. Hassler reported that staff was not able to locate all of the deeds regarding Tumbling T Drive as directed by the council at the last meeting. We have contacted a title company but don't expect any information until next week. A draft questionnaire was formulated for approval by the council to go out to the people on Tumbling T. Drive.

Ms. Levingston addressed the council and stated her concerns with the questionnaire and understanding some of the references in the letter and felt that they were being manipulated with this questionnaire. She thought that the questionnaire was designed to manipulate the outcome because it lacked information the homeowners need to make informed decisions on how to answer the questions.

Mr. Hassler advised Ms. Levingston that she is making references to the questionnaire in past tense and the questionnaire has not gone out yet. The questionnaire is a draft that is before the council for approval and has not gone out to the residents.

Ms. Levingston said that she had sent letters to all of the property owners and outlined item by item the information they needed to make an informed response to this questionnaire. She said that the stretch of road to the north of the gate is not their problem. Their roads are platted, recorded and established and were dedicated to the public in 1973. The county closed the road in 1983 and remained closed until the council opened it.

Mayor Dyson explained the series of events that took place with Tumbling T since 1998 including working out an agreement with the County to chip seal the road. Our town crews worked with county crews to ready the roads in that area for the chip seal last July and it is now time to decide whether to close Tumbling T Drive or keep it open. A precedent was set when it was closed and the residents got used to that quality of life. She said she explained to Ms. Levingston that the reason for going through this process is so that when people come to the council with problems like this, there is a procedure

and they can try to make decisions. This is why they are checking all the legalities. She said she wanted to hear the opinions of all of the people in that street. The council represents all of the people in that neighborhood and that is why they want to send the questionnaires. She said that they would like to come out and have a block watch party and talk about a lot of their issues and try to solve some problems in their neighborhood.

Mayor Dyson said she would like to see questions six through nine removed from the questionnaire and stated that she did not have any questions closing the road. She felt that it would still be accessible to who ever buys to the west of US 60 and Tumbling T.

Councilman Hunt stated his concern with having a fire in that area and the fire truck would be unable to make assess because we did not have a cul-de-sac. We could have some serious liability because we closed the road.

Mr. Hassler stated that we would pad lock the gate shut. The fire department has bolt cutters they will use to cut the lock. He advised the council that they need to go with a long-term plan of going with a cul-de-sac if they decide to close the road.

After more discussion the following motion was made.

Mary Nedrow/Scott Cray to close the road for an indefinite period of time, send out the questionnaire minus questions six through nine and wait until they come back stating whether they want to keep the road closed and make a determination on the easement on the north side of Tumbling T.

Mr. Hassler advised the council that they would push back the date on the registered mail as it would take a little time for everyone to pick them up and return them. He said they would close the road as soon as possible.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

12. Planning and Zoning Commission Member: Consider replacing one of the members on the Springerville Planning and Zoning Commission.

Motion by Scott Cray/Pete Hunt to appoint Steve Martin to serve the remainder of Arnie Moya's term until December 31, 2004.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

13. Town Council Committee Liaisons: Consider appointing council members to be liaisons with different committees.

Motion by Kay Dyson/Pete Hunt to appoint the following:

Kay Dyson to represent the town with NACOG.

Scott Cray to represent the town with the Little Colorado RC&D

Mark Baca and Mary Nedrow to represent the town with the Round Valley Ambulance Board.

Mark Baca and Scott Cray to represent the town with Blue Hills Environmental.

Kay Dyson and Scott Garms to represent the town with the Upper Little Colorado River Watershed Partnership.

Pete Hunt to represent the town with Chamber of Commerce.

Mark Baca to be a liaison with the Springerville Municipal Property Corporation.

N/A at this time: to be a liaison with the Springerville Community Task Force on Beautification.

Pete Hunt to be a liaison with the Springerville Planning and Zoning Commission.

Mary Nedrow to be a liaison with the Springerville Parks, Recreation and Cultural Heritage Committee.

Mark Baca to be a liaison with the Springerville Municipal Airport Advisory Committee.

14. Town Council Pay: Consider voting on council pay for the 2004-2005 fiscal year as per resolution 2004-R006

Mr. Hassler explained that in accordance with Resolution 2004-R006 each year the council needs to vote on whether to pay themselves or not. This decision is fully within the power of the council. This vote will be used to assist in determining the council budget for next year. He further explained that each council member may elect to be paid or not if they vote to adopt the resolution.

Motion by Mary Nedrow/Mark Baca that Town Council members are paid during the 2005 fiscal year in accordance with Resolution 2004-R006

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Pete Hunt

Nays:	Scott Cray
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15. Employee Manual: Consider approving changes to the employee manual regarding employee health insurance. They discussed the idea of offering eligible employees cash if they would opt not to take the health insurance the town offers. The proposed text is included below:

Any employee who voluntarily elects not to participate in the health care plan offered by the town will be paid fifty (50) percent of the cost of the premiums paid by the town. This amount will be included as part of the employees pay check and is subject to all applicable taxes. A form to make this request is available from the Town Clerk. He also advised them that the amounts paid out will change depending on the insurance they pick.

Motion by Scott Cray/Pete Hunt to amend the employee manual as proposed by the town manager regarding employee health insurance.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

16. Intergovernmental Agreement: Consider authorizing the town manger to sign an Intergovernmental Agreement with Apache County regarding equipment related to homeland security.

Mr. Hassler said the equipment referenced currently is a six wheeler but there is more equipment coming. He said one of his concerns is under item 2.2 at the bottom of page two. It states that the county will use it's best efforts to meet the needs of the agency, but the agency recognizes that the county portion of the grant funds may not be sufficient to meet the needs of the county and may appropriate all or a portion of the grant funds in a manner that it believes will best accomplish the purposes of the grant agreement and this intergovernmental agreement. Basically this means that they can do whatever they want the way this is stated. However, if this agreement is not signed by the town, then we will receive no equipment from the county.

Motion by Scott Cray/Mary Nedrow to authorize the town manager to sign the proposed agreement with Apache County regarding equipment related to homeland security

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

Mr. Solomon advised the council that he had to review the policy before he can sign off on it.

17. Financial Policies: Consider approving a Financial Policy for the Town of Springerville.

Mr. Hassler explained that he wanted to create a set of financial policies for the town. One of his goals was to come up with a five year financial plan projecting the town's revenues and projecting what revenues will do, and what expenses will be, budgeting for replacement of equipment. To make sure that we are replacing equipment and not get to a point where the town has to go out and purchase several used vehicles at once. This establishes the groundwork for establishing a capital improvement program to schedule projects. This will keep money in the bank to pay for reimbursable grants and pay for grants and be able to wait for reimbursement.

He emphasized that this is a policies and not ordinance and can be changed. He felt that the town should strive for this to set the town in sound financial ground and keep it there over the long term.

Mayor Dyson stated that she thought this was restrictive and does not like to pass policies that they cannot attain.

Mr. Hassler also suggested that this policy be evaluated annually before the budget process to make sure that it does not need to be revised.

Motion by Scott Cray/Pete Hunt to authorize the Mayor to sign the Financial Policy as proposed by the Town Manager.

Vote:	Ayes:	Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

Nays: Kay Dyson

18. Resolution 2004-010: Consider authorizing the Mayor to sign resolution 2004-010 regarding the Town of Springerville Fee Schedule.

This resolution adds charges for Casa Malpais tours, changes the cost of sign permits and adds a charge for special meter readings and meter testing requests.

Motion by Scott Cray/Mary Nedrow to authorize the Mayor to sign Resolution 2004-010 regarding the Town of Springerville Fee Schedule.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

19. Proposed Municipal Code Changes: Discuss proposed changes to Title 3 – Revenue and Finance of the Springerville Municipal Code.

Mr. Hassler explained that this is a continuation of the process of evaluating the town code book and making recommended changes. The changes to this section regard the revenue and finances of the town. Once again this chapter was written prior to the existence of a town manager. No action is necessary on any of the following proposed code changes. The proposed changes are as follows:

3.04.010 Change the presentation of claims from the town clerk to the town manager (or his/her designee) and eliminate the clause about before the regular meeting each month.

3.04.020 Change the approval of all claims to the town manager. This is one of the main job functions of the town manager. These claims refer to all vendor invoices.

20. Proposed Municipal Code changes: Discuss proposed changes to Title 5 – Business Licenses and Regulations of the Springerville Municipal Code.

This is a continuation of the process of evaluating the town code book and making recommended changes. The changes to this section regard the Business Licenses and Regulations portion of the town code book. The proposed changes are as follows:

5.04.020 - Eliminate the part about the town paying the applicant \$1.00. We have not done this the entire time I have been here. This would require a lot of tracking and would cost about \$20 to \$30 to process, just to pay the \$1.00.

5.20 - Strike this entire section of the code and replace it with the proposed code taken from the code book of Burlingame, Kansas. I have had the Chief of Police and Finance Director review this language and they are fine with it. The fees to be charged would be \$100 for the investigation and \$50 per year for the license. These fees could be waived by council action if requested by the applicant and approved by the council under section 5-207(d).

Mr. Hassler explained that this is for solicitors, and canvassers not the local businesses. Special events fees can be waived by the town council.

21. Proposed Municipal Code Changes: Discuss proposed changes to Title 13 – Public Services of the Springerville Municipal Code.

Mr. Hassler explained that the following is the proposed changes to this section of the code.

13.04.020 - Change the record keeping requirement from the town clerk to the town manager or his/her designee. Currently this is the responsibility of the finance department and not the town clerk.

13.04.030 - Take out the requirement for people to come to town hall in person to apply for water and/or sewer service. While most people do this, some are out of town when they try to set up service. This makes it more convenient for the customer and is not a problem for staff. Under item B, eliminate some of the text to just allow for discontinuation of service. This will leave the method for discontinuation of service up to the Public Works Director, which needs to be determined on a case-by-case basis.

13.04.040 - Take out all the language regarding a minimum deposit. This amount is set in the fee schedule. Language is also added to specify where the amount needs to be listed.

13.04.050 - Change text to read "water and/or sewer service, this allows for those customers who do not receive both services from the town.

13.08.060 - Change the text to designate the fee schedule to set the turn on and turn off fees.

13.08.070 - Eliminate this section completely. This is no longer necessary based on the new rate structure approved by the council.

13.08.090 - Add language referring back to the fee schedule for the amount.

13.12.080 - Remove the text referring to the \$1.00 charge and put this into the fee schedule along with all other fees assessed by the town. Also, add a clause allowing the customer to apply the deposit amount to their bill if the meter was incorrect. It would be the customer's decision on how to use their money.

13.12.090 - Remove the text referring to the \$2.50 charge and put this into the fee schedule along with all other fees assessed by the town. Also, add a clause allowing the customer to apply the deposit amount to their bill if the meter was incorrect. It would be the customer's decision on how to use their money.

13.12.060 - Remove the text referring to the Uniform Plumbing Code, and change it to refer to Title 15 of the code book. This puts everything in one place, so that if a new book is adopted staff does not need to remember to look in more than one place.

13.20.080 - Change the authority to the town manager to place restrictions. Usually if there is a problem, the council will not be able to act quick enough to make a difference. The town manager is more suited to make this decision and act on it.

13.20.130 - Change text to read "water and/or sewer service, this allows for those customers who do not receive both services from the town.

13.24.020(B) (1) - Change a typographical error when the book was put together.

13.24.020(B) (3) - Change a typographical error when the book was put together.

13.24.040 - Change a typographical error when the book was put together.

13.24.050(D) - Change a typographical error when the book was put together.

13.24.070(C) (1) - Change a typographical error when the book was put together.

Mayor Dyson said they needed to return to item 10 and called for a motion to go into executive session.

10. Zoning Administrator:

Motion by Mary Nedrow/Mark Baca at 7:50 p.m. to into executive session

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

Motion by Scott Cray/Pete Hunt at 8:23 to return to regular session

Vote:	Ayes:	Kay Dyson
		Mary Nedrow

Mark Baca
Scott Cray
Pete Hunt

Motion by Pete Hunt/Mark Baca to authorize Mr. Hassler to advertise for a part time zoning administrator immediately.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

Motion by Mary Nedrow/Mark Baca to adjourn the meeting.

Vote:	Ayes:	Kay Dyson
		Mary Nedrow
		Mark Baca
		Scott Cray
		Pete Hunt

The meeting adjourned at 8:24 p.m.

Kay Dyson, Mayor

ATTEST:

Town Clerk

I hereby certify that the foregoing is a true and correct copy of the minutes of the Springerville Town Council in regular session on Wednesday June 16, 2004. I further certify that the meeting was called and a quorum was present.

Dated this 18th Day of June 2004

Town Clerk